

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

**Peter Schlaak, et al.**

Application No.: 10/611,319

Filed: July 1, 2003

For: COLLABORATIVE MANAGEMENT OF  
DELIVERY SCHEDULE

Examiner: Oger Garcia Ade

Art Unit: 3627

**CORRECTED APPEAL BRIEF**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the Notification of Non-Compliant Appeal Brief, the Applicants (hereinafter "Appellants") submit one copy of the following Corrected Appeal Brief pursuant to 37 C.F.R. § 41.37 for consideration by the Board of Patent Appeals and Interferences.

The Appeal Brief has been corrected by presenting claim 19 as it was amended on October 24, 2006. Also, an improper amendment to claim 17 has been removed.

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**I. REAL PARTY IN INTEREST**

Peter Schlaak, Michael Krenbauer, Martin Preiss and Edgar Wicht, the parties named in the caption as inventors on the application, are under a contractual agreement to transfer their rights to SAP AG of Germany. Accordingly, SAP AG is the real party in interest.

**II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in this Appeal.

**III. STATUS OF CLAIMS**

Claims 1-30 are pending in the application. The Examiner has rejected claims 1-30. The Appellants appeal the rejection of claims 1-30.

**IV. STATUS OF AMENDMENTS**

No amendments were submitted after the Final Office Action was mailed.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

The pending claims relate to a method that is performed on a computer of a supplier which is used in managing a supply chain with multiple customers. (*Specification, page 4, lines 20-22.*) Independent claims 1, 11 and 21 and dependent claims 2-10, 12-20 and 22-30 are presented in this appeal. The location of descriptions corresponding to the elements of the claims are identified by paragraph numbers, as well as drawings references, from the originally filed Application as required by 37 C.F.R. § 41.37(c)(1)(v).

Independent claim 1 recites a method performed on a computer of a supplier, for use in managing a supply chain with multiple customers, the method comprising: receiving a new delivery schedule from a customer (*Specification, page 8, lines 18-19*); determining a deviation between the new delivery schedule and a confirmed delivery schedule from the customer (*Specification, page 9, lines 6-9*); determining if the new delivery schedule is eligible for further consideration based on the deviation (*Specification, page 9, lines 10-12*); wherein, if the new delivery schedule is eligible for further consideration, the method further comprises: generating a schedule of production resources and inventory that satisfies at least some requirements of the

new delivery schedule (*Specification, page 10, lines 15-21*); and conforming to the customer that the supplier accepts the new delivery schedule (*Specification, page 11, lines 10-12*).

Independent claim 11 recites a machine-readable medium that stores executable instructions for use in managing a supply chain with multiple customers, (*Specification, page 17, lines 6-16*) the instructions causing a machine to: receive a new delivery schedule from a customer (*Specification, page 8, lines 18-19*); determine a deviation between the new delivery schedule and a confirmed delivery schedule from the customer (*Specification, page 9, lines 6-9*); determine if the new delivery schedule is eligible for further consideration based on the deviation (*Specification, page 9, lines 10-12*); generate a schedule of production resources and inventory that satisfy at least some requirements of the new delivery schedule if the new delivery schedule is eligible for further consideration, (*Specification, page 10, lines 15-21*); and confirm to the customer that the supplier accepts the new delivery schedule (*Specification, page 11, lines 10-12*).

Independent claim 21 recites an apparatus for use in managing a supply chain with multiple customers, (*Specification, page 16, lines 11-22*) the apparatus comprising a processor that executes instructions to: receive a new delivery schedule from a customer (*Specification, page 8, lines 18-19*); determine a deviation between the new delivery schedule and a confirmed delivery schedule from the customer (*Specification, page 9, lines 6-9*); determine if the new delivery schedule is eligible for further consideration based on the deviation (*Specification, page 9, lines 10-12*); generate a schedule of production resources and inventory that satisfies at least some requirements of the new delivery schedule if the delivery schedule is eligible for further consideration; (*Specification, page 10, lines 15-21*); and confirm to the customer that the supplier accepts the new delivery schedule (*Specification, page 11, lines 10-12*).

Dependent claims 2, 12 and 22 recite wherein generating (a schedule of production resources) comprises updating an existing schedule of production resources. (*Specification, page 11, lines 2-5*.)

Dependent claims 3, 13 and 23 recite wherein generating (a schedule of production resources) comprises creating a new schedule of production resources. (*Specification, page 10, line 23- page 11, line 2*.)

Dependent claims 5, 15 and 25 recite wherein the items (used in determining a deviation between the new delivery schedule and a previously confirmed delivery schedule) comprise quantities of goods to be delivered at specified dates. (*Specification, page 11, lines 7-9*.)

Dependent claims 6, 16 and 26 recite wherein the deviation is indicative of an error if the deviation exceeds a predetermined tolerance. (*Specification, page 9, lines 10-12.*)

Dependent claims 7, 17 and 27 recite wherein the method further comprising: prompting a user for input if the deviation exceeds the predetermined tolerance (*Specification, page 10, lines 3-5*); wherein determining if the new delivery schedule is eligible for further consideration is based, at least in part, on the user input (*Specification, page 10, lines 5-7*).

Dependent claims 8, 18 and 28 recite wherein the new delivery schedule comprises a forecast of delivery requirements. (*Specification, page 10, lines 20-21.*)

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The issues are as follows:

A. Whether claims 1-7, 11-17 and 21-27 are anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 6,085,170 issued to Tsukuda (hereinafter “*Tsukuda*”).

B. Whether claims 8-10, 18-20 and 28-30 are patentable under 35 U.S.C. §103(a) over *Tsukuda* in further view of Holland et al. (U.S. Publication No. 2002/0143605) (hereinafter “*Holland*”).

All of the claims do not stand or fall together. The basis for the separate patentability of the claims is set forth below.

## **VII. ARGUMENT**

### **A. Overview of the Prior Art**

The Examiner rejected Appellants’ claims over two references. These references are introduced below.

#### **I. OVERVIEW OF TSUKUDA**

*Tsukuda* teaches a delivery management system for managing delivery of goods from a distribution center through an agent to a client. (*Tsukuda, Abstract.*) *Tsukuda*’s background teaches that a resident’s desired date and time for a delivery can be used to deliver the goods (e.g., a client or purchaser may or may not be the resident who receives the goods). (*Tsukuda, column 2, lines 17-25.*) In this case, the system determines the delivery schedule date and time using schedule information from the delivery schedule for each area of the distribution center

and the schedule information provided by the purchaser (client). (*Tsukuda*, column 2, lines 43-47.).

According to the patent, different names are used for the same “commodities or goods” of the contract based on the different viewpoint of different entities (e.g., distributor, agent, purchaser) that may be involved in a transaction. (*Tsukuda* column 4, lines 3-9). The different names differ from one another in the contents of the information to be used for management in respective standing points. (*Tsukuda*, col. 4 lines 9-13). However, according to the patent’s principles of operation, for each viewpoint, delivery of goods information is produced when the contract is made, and is therefore treated as already existing (and no explanation is given as to how the delivery of goods information is compiled). (*Tsukuda*, col. 4 lines 14-19 and 59-67). The information is input by the seller when the contract is formed, therefore “no explanation will be given on the compilation function of the delivery of goods information.” (*Id.*).

For example, a purchaser provides his delivery information 121 (*Tsukuda*, column 5, lines 3-24.). The personal information server is notified of a list of a schedule for delivery by using the delivery information 121 and delivery goods information 122. (*Tsukuda*, Step 101 and column 4, lines 37-41.). The earliest one of the scheduled date and time for delivery is obtained from a list of scheduled date and time for delivery and schedule information. (*Tsukuda*, column 5, lines 49-52.). Also, upon receiving notice of registration from the client, the server performs the registration of the scheduled date and time in the delivery goods information, after confirming the existence of the scheduled date and time in the delivery information. (*Tsukuda*, column 12, lines 43-45.).

Next, FIG. 2 describes inputs such as a bar-code reader, an IC-card reader and so on other than a keyboard and a mouse. (*Tsukuda*, column 4, lines 30-34.). *Tsukuda*, also describes a difference between the two tables in FIG. 4 and FIG. 14 is the addition of two columns, “items or columns ‘size(s)’ and ‘necessity of refrigeration of the goods’ to the items of the delivery goods information (*Tsukuda*, column 9, lines 56-63.). For example, FIG. 14 shows an example of the delivery goods information used in the second embodiment. (*Tsukuda*, column 3, lines 28-29.)

*Tsukuda* does not teach determining a deviation between a new delivery schedule and a confirmed delivery schedule from the purchaser and if a new schedule is eligible for further consideration. It also does not teach generating a schedule of production resources and inventory that satisfy at least some requirement of the new delivery schedule and confirming to the purchaser that the supplier accepts the new delivery schedule.

## 2. OVERVIEW OF HOLLAND

*Holland* discloses a method and apparatus for facilitating collaboration of multiple members of an exchange in creating and utilizing accurate supply and demand data. (*Holland*, page 1, paragraph 0001.) The provided data structures are used by the member traders to manage supply and demand of critical business resources.

*Holland* does not teach determining a deviation between the new delivery schedule and a confirmed delivery schedule from the customer and determining if a new schedule is eligible for further consideration. It also does not teach generating a schedule of production resources and inventory that satisfy at least some requirement of the new delivery schedule or confirming the existence of the scheduled.

### B. Whether claims 1-7, 11-17 and 21-27 are anticipated under 35 U.S.C. §102(b) by *Tsukuda*.

The Appellants respectfully submit that the rejection of claims 1-7, 11-17 and 21-27 should be overturned because the Examiner has not established anticipation by a prior reference. A claim is anticipated under 35 U.S.C. § 102 only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (*MPEP* 2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).) Additionally, as the Federal Circuit has noted,

As adapted to *ex parte* procedure, *Graham* [v. John Deere Co.] is interpreted as continuing to place the burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103.

*In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d 1011, 1016, 154 USPQ 173, 177 (CCPA 1967)). The Examiner thus has the burden of producing a factual basis for his rejection and for establishing unpatentability by identifying how each recited claim element is allegedly disclosed by the cited reference.

*Claims 1, 4, 11, 14, 21 and 24*

With respect to claims 1, 4, 11, 14, 21 and 24 (e.g., as claims 4, 14, and 24 depend from claims 1, 11, and 21, respectively) (also, claim 1 is used representatively), the Examiner points to column 4, lines 3-9 of *Tsukuda* suggesting that it discloses the limitation “determining a deviation between the new delivery schedule and a confirmed delivery schedule from the

customer.” (*Office Action dated January 19, 2007, page 2.*) The Appellants respectfully disagree that this section of *Tsukuda* anticipates or discloses this element. This section of *Tsukuda* merely suggests different names for the same “commodities or goods” of the contract based on the different viewpoint of different entities (e.g., distributor, agent, purchaser) that may be involved in a transaction. The Examiner points this out in the Office Action when he states that “differences from various viewpoints, such as from view point of the distributor, a view point of the agent, and a view point of the purchaser” (*Office Action dated January 19, 2007, page 2*). The Appellants are unsure how different viewpoints or content of information for management names for the same “commodities or goods” teach or disclose determining a deviation between the new delivery schedule and a confirmed delivery schedule from the customer. For example, *Tsukuda* teaches that the different names differ from one another in the contents of the information to be used for management in respective standing points (see col. 4 lines 9-13). However, according to the patent’s principles of operation, for each viewpoint, delivery of goods information is produced when the contract is made, and is therefore treated as already existing (and no explanation is given as to how the delivery of goods information is compiled). (*Tsukuda*, col. 4 lines 14-19 and 59-67).

Consequently, *Tsukuda* does not disclose that these different viewpoints or any different content of information are related to or disclose a confirmed delivery schedule from a customer, a new delivery schedule from a customer, or a deviation between those two schedules from the customer. Moreover, column 5, lines 49-67, and FIG. 3 of *Tsukuda*, which Examiner also relies upon to support this argument, fail to clarify how having different names for “commodities or goods” teach determining a deviation between the new delivery schedule and a confirmed delivery schedule from the customer. This section merely explains a step in “obtaining the earliest one of the scheduled date and time for delivery from a list of scheduled date and time for delivery and schedule information.” (*Tsukuda, column 5, lines 49-52.*) Obtaining the earliest scheduled date and time for delivery from a list of scheduled dates and times for delivery and schedule information does not disclose or require determining a deviation between the new delivery schedule and a confirmed delivery schedule from the customer.

In the Response to Arguments section of the Final Office Action dated January 19, 2007, the Examiner states that “determining scheduled date and time for delivery...from a schedule information of a delivery information of each area of the distributor and a schedule information



of the purchaser” is equivalent to “determining a deviation between the new delivery schedule and a confirmed delivery schedule from the customer.” (*Office Action dated January 19, 2007, page 5.*) The Appellants respectfully disagree with this characterization. As noted above, *Tsukuda* describes determining a date and time of delivery based upon the already agreed upon contract (*Tsukuda*, col. 4 lines 14-19 and 59-67). The information is input by the seller when the contract is formed, therefore “no explanation will be given on the compilation function of the delivery of goods information.” (Id.). Consequently, there is no disclosure or teaching of a calculation or process to find the difference between the current schedule provided by the purchaser and the previously confirmed schedule given by the purchaser. Thus, determining a deviation between the new delivery schedule and a confirmed delivery schedule from the customer is not disclosed by determining a scheduled date and time for delivery from schedule information.

In addition, *Tsukuda* does not disclose “determining if a new schedule is eligible for further consideration based on the deviation” of independent claim 1. Column 9, lines 56-63 of *Tsukuda*, which the Examiner points to (*Office Action dated January 19, 2007, page 2*), discloses that the difference between the two tables in FIG. 4 and FIG. 14 is the addition of two columns, items or columns ‘size(s)’ and ‘necessity of refrigeration of the goods’ to the items of the delivery goods information. However, this does not disclose “determining if a new schedule is eligible for further consideration...” as required by claim 1. Instead, *Tsukuda* merely “adds” columns to the table without making any determination regarding a new schedules’s eligibility for further consideration.

Claim 1 is also patentable over *Tsukuda* because this reference does not anticipate the element of “generating a schedule of production resources and inventory that satisfy at least some requirement of the new delivery schedule.” This limitation is not disclosed by *Tsukuda* in step 101 of FIG. 1 as asserted by the Examiner. (*Office Action dated January 19, 2007, page 3.*) *Tsukuda* teaches a delivery management system for managing the delivery of goods from a distribution center through an agent to a purchaser. (*Tsukuda, Abstract.*) After the purchaser has provided his delivery information 121 (*Tsukuda, column 5, lines 3-24.*), the system in *Tsukuda* provides this information to the distribution server. Step 101 is “notifying the personal information server of a list of a schedule for delivery by using the delivery information 121 and delivery goods information 122.” (*Tsukuda, column 4, lines 37-41.*) Step 101 is merely a notification step and does not generate any new schedules of production resources. The

notification informs the distribution server, also called a personal information server, of a list of schedule dates for delivery of goods but does not generate a schedule for production resources and inventory, as required by claim 1.

The Examiner has failed to indicate and the Appellants are unable to discern any section of *Tsukuda* that teaches or suggests generating a schedule of production resources and inventory that satisfy at least some requirement of the new delivery schedule. Also, the burden of establishing the factual basis for a rejection rests on the Examiner. Despite request for further explanation, the Examiner has not provided an explanation as to how notifying a personal information server of a list of schedule for delivery discloses or teaches generating a schedule of production resources and inventory that satisfies at least some requirement of the new delivery schedule. Thus, *Tsukuda* does not teach or suggest generating a schedule of production resources and inventory that satisfies at least some requirement of the new delivery schedule.

Furthermore, claim 1 is also patentable over *Tsukuda* because the reference does not teach the limitation “confirming to the customer that the supplier accepts the new delivery schedule.” The Appellants respectfully submit that the Examiner’s reading of step 1907 as “confirming the existence of the scheduled” (*Office Action dated January 19, 2007, page 3, line 5*) via step 1907 of FIG. 19 as disclosing a confirmation to the customer that the supplier accepts the new delivery schedule is inaccurate. As described in column 12, lines 43-45, the system in *Tsukuda* in step 1907 upon receiving notice of registration from the client, performs the registration of the scheduled date and time in the delivery goods information “after confirming the existence of the scheduled date and time in the delivery information.” This step verifies that the data to be registered exists before performing the registration. However, *Tsukuda* does not disclose any confirmation to the client of the acceptance by the supplier of a new delivery schedule.

For at least the reasons above, the Examiner has not met the burden of proof of establishing the factual basis for his rejection of claims 1, 11, and 21 under §102 and so the Appellants respectfully request that the rejections of claims 1, 11, and 21 be overturned.

#### *Claims 2, 12 and 22*

The Appellants believe claims 2, 12 and 22 are separately patentable. These claims depend from claim 1, 11, and 21 respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to those independent claims, the Appellants do not believe that *Tsukuda* teaches or suggests the elements of claims 2, 12 and 22.

In addition, claims 2, 12 and 22 are separately patentable for the following reasons. These claims include the element of “generating comprises updating an existing schedule of production resources.” The Examiner cites the abstract and column 2, lines 41-47 of *Tsukuda* as teaching this limitation. This section discloses that scheduling the date and time of delivery is determined “from a schedule information of a delivery information of each area of the distributor and a schedule information of the purchaser.” (*Tsukuda*, column 2, lines 45-47.) It does not disclose updating any schedule let alone updating an existing schedule of production resources. Therefore, the Examiner has not met the burden of establishing the factual basis for his rejection of claims 2, 12 and 22 under §102 and so the Appellants respectfully request that the rejection of claims 2, 12 and 22 be overturned.

*Claims 3, 13 and 23*

The Appellants believe claims 3, 13 and 23 are separately patentable. These claims depend from claim 1, 11, and 21 respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to those independent claims, the Appellants do not believe that *Tsukuda* teaches or suggests the elements of claims 3, 13 and 23.

In addition, claims 3, 13 and 23 are separately patentable for the following reasons. These claims include the element of “generating comprises creating a new schedule of production resources.” The Examiner has not indicated how *Tsukuda* teaches or suggests this element. The Examiner has failed to indicate and the Appellants are unable to discern any section of *Tsukuda* that discloses generating comprises creating a new schedule of production resources. Accordingly, it is requested that the §102 rejection of claims 3, 13 and 23 be overturned.

*Claims 5, 15 and 25*

The Appellants believe claims 5, 15 and 25 are separately patentable. These claims depend from claim 1, 11, and 21 respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to those independent claims, the Appellants do not believe that *Tsukuda* teaches or suggests the elements of claims 5, 15 and 25.

In addition, claims 5, 15 and 25 are separately patentable for the following reasons. This claim includes the element of “the items comprise quantities of goods to be delivered at specified dates.” The Examiner cites column 2, lines 17-25 of *Tsukuda* as disclosing this limitation. This section discloses, as the Examiner points out, the desired date and time of a delivery. However, it does not disclose that the quantities of goods to be delivered at specified dates of a new

delivery schedule are compared to a quantity of goods to be delivered at specified dates of a confirmed delivery schedule, as required by claims 5, 15 and 25 (e.g., for comparison requirement, see claims 4, 14, and 24 from which claims 5, 15, and 25 depend). Therefore, the Examiner has not met the burden of establishing the factual basis for the rejection of the claim 2 under §102 and so the Appellants respectfully request that the rejection of claims 5, 15 and 25 be overturned.

*Claims 6, 16 and 26*

The Appellants believe claims 6, 16 and 26 are separately patentable. These claims depend from claim 1, 11, and 21 respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to those independent claims, the Appellants do not believe that *Tsukuda* teaches or suggests the elements of claims 6, 16 and 26.

In addition, claims 6, 16 and 26 are separately patentable for the following reasons. This claim includes the element of “wherein the deviation is indicative of an error if the deviation exceeds a predetermined tolerance.” The Examiner cites merely to FIG. 14 of *Tsukuda* without any explanation as to how that figure discloses this limitation. Column 9, lines 56-63 of *Tsukuda*, which explains FIG. 14, discloses that the difference between two tables in FIG. 4 and FIG. 14 is the addition of two columns, “items or columns ‘size(s)’ and ‘necessity of refrigeration of the goods’.” However, neither FIG. 14 which “shows an example of the delivery goods information used in the second embodiment” (see Col. 3 lines 28-29) nor the difference between the two tables discloses a deviation that is indicative of an error, or a deviation that exceeds a predetermined tolerance, as required by claims 6, 16 and 26. Therefore, the Examiner has not met the burden of establishing the factual basis for his rejection of the claims 6, 16 and 26 under §102. The Appellants respectfully request that the rejection of claims 6, 16 and 26 be overturned.

*Claims 7, 17 and 27*

The Appellants believe claims 7, 17 and 27 are separately patentable. These claims depend from claim 1, 11, and 21 respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to those independent claims, the Appellants do not believe that *Tsukuda* teaches or suggests the elements of claims 7, 17 and 27.

In addition, claims 7, 17 and 27 are separately patentable for the following reasons. This claim includes the element of “prompting a user for input if the deviation exceeds the predetermined tolerance.” The Examiner cites an input device of FIG. 2 of *Tsukuda* as

disclosing this limitation. The Examiner fails to read the limitation in its entirety and does not provide any disclosure for prompting a user for input under any condition. Specifically, the textual description of FIG. 2 describes “there are included a bar-code reader, an IC-card reader and so on other than a keyboard and a mouse”, but does not disclose any prompting of the user. (*Tsukuda*, column 4, lines 30-34.). Therefore, the Examiner has not met the burden of establishing the factual basis for his rejection of the claims 7, 17 and 27 under §102 and so the Appellants respectfully request that the rejection of claims 7, 17 and 27 be overturned.

**C. Whether claims 8-10, 18-20 and 28-30 are patentable under 35 U.S.C. §103(a) over *Tsukuda* in further view of *Holland*.**

Appellants respectfully submits that the rejection of claims 8-10, 18-20 and 28-30 should be overturned because the Examiner has not established a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness the Examiner must show that the cited references, combined, teach or suggest each of the elements of a claim. See *In re Vaek*, 947 F.2d 488, 20 USPQ.2d 1438 (Fed. Cir. 1991). The Appellants respectfully submit that a *prima facie* case of obviousness has not been established.

*Claims 8-10, 18-20 and 28-30*

Claims 8-10, 18-20 and 28-30 depend from allowable base claims 1, 11, and 21 and incorporate the limitations thereof. Thus, for at least for the reasons mentioned above in regard to those independent claims, the Appellants do not believe that *Tsukuda* makes obvious the elements of independent claims 1, 11, and 21 from which claims 8-10, 18-20 and 28-30 depend.

In addition, the Appellants have reviewed *Holland* and particularly the passages of *Holland* cited by the Examiner (paragraphs 0010, 0033, 0047, and 0050), but have been unable to find anything that cures these deficiencies. *Holland* discloses a method and apparatus for facilitating collaboration of multiple members of an exchange in creating and utilizing accurate supply and demand data. (*Holland*, page 1, paragraph 0001.).

Thus, given the disclosures noted above for the references, the cited references, combined, fail to teach or suggest each of the elements of independent claims 1, 11, and 21. Therefore it is unnecessary to reach whether *Holland* stands for the proposition on which it is relied. At least for this reason, the Board should overturn the rejection of claims 8-10, 18-20, and 28-30.

Accordingly, Appellants respectfully request that the Board overturn the rejections of claims 1-30.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: 8/14/08

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Melissa Stead 8-14-08  
Melissa Stead Date

## **VIII. CLAIMS APPENDIX**

The claims involved in this Appeal are:

1. (Previously presented) A method, performed on a computer of supplier, for use in managing a supply chain with multiple customers, the method comprising:
  - receiving a new delivery schedule from a customer;
  - determining a deviation between the new delivery schedule and a confirmed delivery schedule from the customer; and
  - determining if the new delivery schedule is eligible for further consideration based on the deviation;
  - wherein, if the new delivery schedule is eligible for further consideration, the method further comprises:
    - generating a schedule of production resources and inventory that satisfies at least some requirements of the new delivery schedule; and
    - confirming to the customer that the supplier accepts the new delivery schedule.
2. (Original) The method of claim 1, wherein generating comprises updating an existing schedule of production resources.
3. (Original) The method of claim 1, wherein generating comprises creating a new schedule of production resources.
4. (Original) The method of claim 1, wherein determining the deviation comprises comparing items from the new delivery schedule to items from the confirmed delivery schedule.

5. (Original) The method of claim 4, wherein the items comprise quantities of goods to be delivered at specified dates.
6. (Original) The method of claim 1, wherein the deviation is indicative of an error if the deviation exceeds a predetermined tolerance.
7. (Original) The method of claim 6, further comprising:  
prompting a user for input if the deviation exceeds the predetermined tolerance;  
wherein determining if the new delivery schedule is eligible for further consideration is based, at least in part, on the user input.
8. (Original) The method of claim 1, wherein the new delivery schedule comprises a forecast of delivery requirements.
9. (Original) The method of claim 8, wherein the forecast comprises a long-term forecast.
10. (Original) The method of claim 1, further comprising allocating resources based on the schedule of production resources.
11. (Original) A machine-readable medium that stores executable instructions for use in managing a supply chain with multiple customers, the instructions causing a machine to:  
receive a new delivery schedule from a customer;



determine a deviation between the new delivery schedule and a confirmed delivery schedule from the customer;

determine if the new delivery schedule is eligible for further consideration based on the deviation;

generate a schedule of production resources and inventory that satisfies at least some requirements of the new delivery schedule if the new delivery schedule is eligible for further consideration; and

confirm to the customer that the supplier accepts the new delivery schedule..

12. (Original) The machine-readable medium of claim 11, wherein generating comprises updating an existing schedule of production resources.

13. (Original) The machine-readable medium of claim 11, wherein generating comprises creating a new schedule of production resources.

14. (Original) The machine-readable medium of claim 11, wherein determining the deviation comprises comparing items from the new delivery schedule to items from the confirmed delivery schedule.

15. (Original) The machine-readable medium of claim 14, wherein the items comprise quantities of goods to be delivered at specified dates.

16. (Original) The machine-readable medium of claim 11, wherein the deviation is indicative of an error if the deviation exceeds predetermined tolerance.

17. (Original) The machine-readable medium of claim 16, further comprising instructions that cause the machine to:

prompt a user for input if the deviation exceeds the predetermined tolerance:

wherein determining if the new delivery schedule is eligible for further consideration is based, at least in part, on the user input.

18. (Original) The machine-readable medium of claim 11, wherein the new delivery schedule comprises a forecast of delivery requirements.

19. (Previously Presented) The machine-readable medium of claim 11, wherein the forecast comprises a long-term forecast.

20. (Original) The machine-readable medium of claim 11, further comprising instructions that cause the machine to allocate resources based on the schedule of production resources.

21. (Original) A apparatus for use in managing a supply chain with multiple customers, the apparatus comprising a processor that executes instructions to:

receive a new delivery schedule from a customers;

determine a deviation between the new delivery schedule and a confirmed delivery schedule from the customer;

determine if the new delivery schedule is eligible for further consideration based on the deviation;

generate a schedule of production resources and inventory that satisfies at least some requirements of the new delivery schedule if the new delivery schedule is eligible for further consideration; and

confirm to the customer that the supplier accepts the new delivery schedule.

22. (Original) The apparatus of claim 21, wherein generating comprises updating an existing schedule of production resources.
23. (Original) The apparatus of claim 21, wherein generating . comprises creating a new schedule of production resources.
24. (Original) The apparatus of claim 21, wherein determining the deviation comprises comparing items from the new delivery schedule to items from the confirmed delivery schedule.
25. (Original) The apparatus of claim 24, wherein the items comprise quantities of goods to be delivered at specified dates.
26. (Original) The apparatus of claim 21, wherein the deviation is indicative of an error if the deviation exceeds a predetermined tolerance.
27. (Original) The apparatus of claim 26, wherein the processor executes instructions to:  
prompt a user for input if the deviation exceeds the predetermined tolerance;  
wherein determining if the new delivery schedule is eligible for further consideration is based, at least in part, on the user input.

28. (Original) The apparatus of claim 21, wherein the new delivery schedule comprises a forecast of delivery requirements.
29. (Original) The apparatus of claim 28, wherein the forecast comprises a long-term forecast.
30. (Original) The apparatus of claim 21, wherein the processor executes instructions to allocate resources based on the schedule of production resources.

**IX. EVIDENCE APPENDIX**

Not Applicable.

**X. RELATED PROCEEDINGS APPENDIX**

There are no other appeals on interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.